

**DEVELOPMENT REVIEW BOARD**  
**108 Shed Road**  
**Berlin, Vermont**  
**APPROVED MINUTES**  
**Meeting of TUESDAY, February 6, 2018**

1. The meeting was called to order at 7:00 P.M.

Members present: Robert J. Wernecke, Chair; Karla Nussli, Vice-Chair; John Friedrich; Josh Fitzhugh; and Shane Mispel.

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary via phone.

Others present: Craig Chase, Christine Carson, Bruce Morse, Tammy Bronson, Dennis Bronson, and Shawna Foran.

The Board explained its Policy and definition of party status and interested persons to attendees. Copies of the Rules and Policies and Procedure were available as handouts. Shawna Foran, Christine Carson, Bruce Morse, Tammy Bronson and Dennis Bronson, abutters and neighbors, requested and were granted party status.

2. New business

A. **15-037 – Nature Preserve, LLC** submitted an application for Concept Plan Review and Final Plan Review of a two (2) lot Minor Residential Subdivision involving an approximate 1109.5 acres parcel. The property is located on Chase Road, Berlin, Vermont, in the Rural Residential Zoning District; Parcel ID: 35-014. Craig Chase, Senior Technician, with Chase & Chase Surveyors & Septic Designers, Inc. was sworn in to give testimony on this matter. In addition, abutters and neighbors, Christine Carson, Bruce Morse, Tammy Bronson, Dennis Bronson, and Shawna Foran were sworn in to give testimony on this matter.

Board Members Friedrich and Fitzhugh disclosed that they were also abutters to the subject property. No one expressed any objections to these members serving on the hearing panel.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Subdivision Application, 18-001, received on 01/15/2018; **Exhibit #2:** Composite Plan, Nature Preserve LLC, showing Lots #1, #2 and #3, as well as proposed Lot #4 to be divided out of the larger parcel (Lot#1) surrounding the sawmill, etc. prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 08/01/2014, with revision dates on 03/19/2015, and 06/29/2017; **Exhibit #3:** Plan showing Sawmill Parcel, Nature Preserve LLC, existing structures, easements, etc. prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 08/01/2014 and revised on 06/29/2017; **Exhibit #4:** Site Plan, Sawmill Parcel, showing existing structures, onsite wastewater system, easements, etc. prepared by Chase & Chase Surveyors & Septic Designers Inc., dated 06/29/2017; **Exhibit #5:** Project Narrative; and **Exhibit #6:** Waiver request with respect to contours on the entire parcel as no development is being proposed on Lot #1.

Overview: Craig Chase explained that the property is located in the Towns of Berlin and Moretown, and that when the land was put into conservation, three parcels were exempted. Two of the parcels known as the cabin (Lot #3) and caretaker's house (Lot #2) have already been subdivided out of the large parcel. They now want to officially divide out the area with the sawmill and make it a saleable lot with onsite wastewater and water supply. It would be known as Lot #4 and consist of 2.3 acres. Lot #1 will consist of approximately 1107.2 acres with 342.2 acres in Berlin and 767.3 acres located in the Town of Moretown.

Zoning Administrator Badowski advised that although much of the property is within the Highland Conservation District, the area in question is all within the Rural Residential District. The new lot being created (#4) exceeds the size requirement and meets all other requirements for the Rural Residential District. Chase Road is a Class IV road up to the sawmill.

Shawna Foran expressed safety concerns about the road which is steep and dangerous, particularly with respect to access for emergency vehicles in the Spring. She questioned why it was now being presented as a buildable lot after being in conserved land.

Mr. Chase reiterated that when the property was put into conservation, this area was specifically excluded so it could be sold and developed. The new owner of the lot will have to maintain any portion of the road not owned by the town and the driveway. He indicated that it would not be a burden on the town.

Tammy Bronson mentioned the logging trucks using the road and asked who is responsible for weight limits and maintenance. She added that the road is very bad in the Spring.

Mr. Badowski confirmed that the town owns and maintains the road. He noted that the town may post it regarding weight limits in the Spring as it does for many other roads.

Bruce Morse asked for further clarification about the boundaries of the lot being created.

Attendees reviewed the larger plans and were shown the proposed boundaries. The balance of the land (about 1107.2 acres) will remain in land trust (Conservation Easement).

The Board explained that any improvements to the road are up to the new owner. The Berlin Select Board must review and approve such requests to ensure that minimum standards are met for roads as stated in the subdivisions regulations.

Mr. Chase indicated that the length of the Class IV road to the driveway for the sawmill is about 1400 feet. The road is narrow and would likely require access via a four-wheel drive vehicle year-round. He noted that the large trucks picking up the logs are utilizing that section of road.

In response to questions about onsite wastewater, Mr. Chase advised that test pit results found considerable amounts of ledge, however a Presby system will work. He has not yet submitted the application to the state but will do so once the subdivision permit is issued. There is an easement onto Lot #1 for the mound system which is shown on the plans.

The Board advised that it will first consider Concept Plan review of the proposed subdivision and reviewed the criteria. The Applicant had requested waiver of the requirement for contours on the entire parcel since no development is being proposed on Lot #1. The other required data was shown on the plans.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve Concept Plan review of the proposed two lot subdivision including waiver of contours on Lot #1. The question was called and the motion passed unanimously.

Ms. Foran noted that there are marshy or wetland areas and wondered if additional permitting was required from the state.

Mr. Chase advised that test pits were performed and passed based on state standards. He advised that a permit would be required from the Agency of Natural Resources if they were expanding into an area designated as a Class II wetland but that is not the case. Improving the existing road, such as adding staymat, would not require a state permit.

Mr. Bronson noted that there are places along the road that are very narrow which would make it difficult to expand the road. He was concerned that expansion of the road on either side would negatively impact the area.

The Board advised that it is only considering the subdivision application. The Zoning Administrator must review applicable criteria for a proposed house. The state issues permits with respect to onsite wastewater and water supply.

Mr. Badowski advised that all issues are looked at upon submittal of an application for a building permit. The district allows for permitted and conditional uses. He noted that applications for building permits are on file with the town and permits must be posted on the property. He advised that although applications for building permits are warned in the newspaper, separate notices to abutters and neighbors is not required. Abutters and neighbors must be notified of proposed subdivision applications.

After further discussion, the neighbors and abutters present advised that they would like to be notified of any proposed building permits.

The Board acknowledged their request and will consider notification to neighbors of any proposed building as a condition of the permit. It was noted however, that an owner may or may not review a subdivision permit prior to submitting an application for a building permit.

The Board reviewed the criteria for Final Plan review and reminded the Applicant that the Mylar must be signed and sealed by a licensed land surveyor. Other specifics will be stated in the Findings of Facts & Conclusion.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Mispel, to close the hearing with respect to Application 18-001. The question was called and the motion passed unanimously.

### 3. Review and approval of the Minutes.

The Chair called for approval of the Minutes of the January 16, 2018 meeting. On page one, the first sentence of the last paragraph was amended to read: Mr. Marsh explained that the Town of Berlin has a Right-of-Way through an easement granted by the Owner up as far as Lot #8 for access to its municipal water supply.

Mr. Friedrich made a motion, seconded by Mr. Mispel, to approve the Minutes of the January 16, 2018 meeting as amended. The question was called and the motion passed unanimously.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings.

The Board voted to go into deliberative session at 7:35 P.M. and out at 8:00 P.M. to discuss the status of Findings. The Board's decision with regard to (closed) adjourned applications will be reported in its Findings.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, February 20, 2018.**

8. There being no further business, the meeting was adjourned at 8:01 P.M.

Respectfully submitted,

*Carla Preston*

Carla Preston  
Recording Secretary  
Town of Berlin